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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF DENTISTRY
DOCKET NO.

IN THE MATTER OF	:	
	:	
MARK SPIERER, D.D.S.	:	Administrative Action
	:	
LICENSED TO PRACTICE DENTISTRY	:	CONSENT ORDER
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Dentistry upon receipt of a complaint concerning the dental services rendered to Darwyn Adkins and Jeanette Adkins by Dr. Mark Spierer alleging, in pertinent part, inappropriate periodontal procedures including gingival curettage. The Board reviewed the patients' records that were submitted, x-rays, insurance records and the information acquired at the investigative inquiry attended by the respondent together with his counsel, Stephen H. Schechner, Esq. on April 21, 1993.

It appearing that the parties wish to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 22nd DAY OF January 1997,

HEREBY ORDERED AND AGREED THAT:

1. Dr. Spierer is hereby reprimanded for performing excessive and unnecessary treatment on Darwyn Adkins and Jeanette Adkins and for charging for said treatment.

2. Dr. Spierer's license to practice as a dentist shall be suspended for a two year period commencing on filing of this Order. The suspension shall be stayed and shall become a period of probation so long as Dr. Spierer shall comply with all of the terms of this Order. In the event that Dr. Spierer shall fail to so comply, his failure to do so shall be grounds upon which this Board may activate the two year period of suspension.

3. Dr. Spierer shall make restitution to Jeanette Adkins in the amount of one thousand seven hundred seventy five (\$1,775.00) dollars, representing the portion of the fees already paid to Dr. Spierer by Mr. and Mrs. Adkins, by submitting a certified check or money order made payable to Jeanette Adkins to the State Board of Dentistry at 124 Halsey Street, Newark, New Jersey 07102 contemporaneously with the entry date of this order.

4. Dr. Spierer shall waive and shall take no action to collect from Mrs. Adkins the previous balance of nineteen thousand four hundred forty dollars (\$19,440.00).

5. Random and unannounced audits of the respondent's patient records and billing records may be conducted by the Board's designees, at the Board's discretion, and at the respondent's expense for a period of two years commencing on the entry date of this Order. On reasonable demand made, the respondent shall immediately make available all records necessary to conduct the audit as determined by the Board or its designees. The audits will be on a prospective basis, however, if during the course of the audit it is determined that information from patient records and billing records prior to the date of the order is relevant, respondent will provide such records and these records may be reviewed by the Board. The Board may also review any patient records or billing records based on a consumer complaint, insurance company inquiry or other bona fide third party inquiry including records prior to the date of this order. The cost of each such audit shall be due and payable within ten (10) days of the respondent's receipt of a statement of costs from the Executive

Director of the Board. The audits provided for herein shall be conducted in a reasonable manner so as not to disrupt the treatment of patients and at a reasonable frequency.

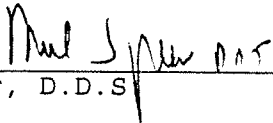
6. Dr. Spierer was required to cease and desist from performing periodontal surgery including curettage until he successfully completed a mini residency in periodontics. The mini residency in periodontics (which was in addition to mandatory continuing education) consisting of ninety two (92) hours was approved by the Board and completed by Dr. Spierer on May 23, 1994.

7. The respondent is hereby assessed a civil penalty in the amount of \$1,500.00 for failure to properly mount and identify x-rays, failure to chart periodontal disease and failure to maintain medical histories for Darwyn Adkins and Jeanette Adkins which constitutes repeated acts of negligence pursuant to N.J.S.A. 45:1-21(d). The civil penalty shall be submitted by certified check or money order made payable to the State Board of Dentistry contemporaneously with the entry of this Order.



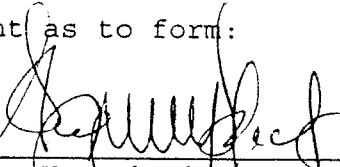
Dr. Anthony Villane
President
State Board of Dentistry

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to entry of the Order.



Mark Spierer, D.D.S.

Consent as to form:



Stephen H. Schechner, Esq.
Schechner & Decker
75 Main Street
Millburn, New Jersey 07041